



UCD-B APL Response

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Yaacov ALMOG
Serial Number: 10/039,481
Filed: January 8, 2002
For: TONER PARTICLES WITH MODIFIED CHARGEABILITY
Examiner: RODEE, C. D.
Art Unit: 1756

Noted
[Signature]

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO EXAMINER'S ANSWER

Sir:

Further to an Examiner's Answer dated June 25, 2004 in the above referenced application, the following is appellant's response:

Items (1)-(5) No comment.

Item (6)-In view of the Examiner's acceptance of argument L claim 45 remains rejected only under 35 U.S.C. §112 (new matter). Claim 45/32 (Group 14) is patentable if argument A is accepted by the board and claim 45/33 (Group 21) is patentable if argument B is accepted by the board. The groups remain independent, since no other group of claims stand and fall with the same combination of arguments as groups 14 and 21.

Item (7)-The Examiner's finding is traversed. It should be quite clear that groups of claims having different combinations of reasons for patentability (arguments) will not stand or fall together. Clearly, if group A has arguments 1 and 2 and Group B has arguments 1 and 3, these groups do not fall together, although they may stand together if argument 1 is accepted. Similarly if Groups B and C are rejected under 35 U.S.C. §112 and also under 35 U.S.C. §102 or §103, and different arguments are advanced to overcome the art rejections, then these groups may fall

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